

JENKINS
WILSON
TAYLOR
& HUNT

patent attorneys

January 28, 2009

RICHARD E. JENKINS

JEFFREY L. WILSON

ARLES A. TAYLOR, JR.

GREGORY A. HUNT

CHRIS PERKINS, PH.D.

DAVID M. SIGMON

+KIRBY A. TURNER

WESLEY A. SHEFFIELD

BENJAMIN J.AITKEN

K. JAY KLINCK

SHANDON W. HERRING

PATENT AGENTS

AMY ODENBAUGH, PH.D.

LEON LEGLEITER, PH.D.

+LICENSED ONLY IN GA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the
United States Patent and Trademark Office via the e-filing system on
January 28, 2009.


Shaylor D. Anderson

Re: U.S. Patent Application Serial No. 09/627,253 for
PRESENCE REGISTRATION AND ROUTING NODE
Our File No. 1322/40/2

Sir:

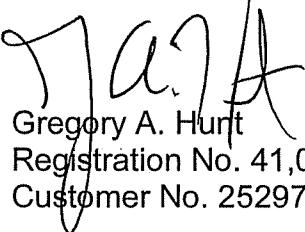
Please find enclosed the following:

1. Copy of Notice of Non-Compliant Appeal Brief (2 pages); and
2. Replacement Appeal Brief (82 pages).

Although no fee is believed to be due, the Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.


Gregory A. Hunt
Registration No. 41,085
Customer No. 25297

GAH/sda

Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

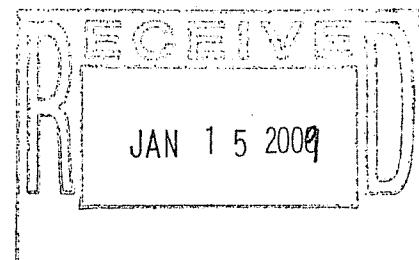
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,253	07/28/2000	John R. Mason	1322/40/2	2388
25297	7590	01/14/2009	EXAMINER	
JENKINS, WILSON, TAYLOR & HUNT, P. A. Suite 1200 UNIVERSITY TOWER 3100 TOWER BLVD., DURHAM, NC 27707				ART UNIT
				PAPER NUMBER

DATE MAILED: 01/14/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

Initial: 2/14/09
DOCKET DATES: ABSOLUTE: 7/14/09
ASSIGNED ATTY: GATH
FILE NO. 1322/40/2
DOCKETED BY: VR DATE: 1/16/09



Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/627,253	Applicant(s) MASON ET AL.
	Examiner Nguyen, Toan	Art Unit 2665

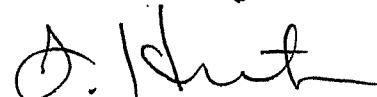
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 04 December 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))
6. The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. Other (including any explanation in support of the above items):

Grounds of rejection to be reviewed on appeal: The brief should include the claims, statutes and references according to the rejections per the Ex. office action. (1st ground claim 71)



LASHAWN HINTON
PATENT APPEAL CENTER SPECIALIST